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Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

Amendment of Part 90 of the Commission's Rules to Provide for the Use of the 220-222 MHz Band by the Private Land Mobile Service

PR Docket No. 89-552

DOCKET FILE COPY ORIGINAL

Implementation of Sections 3(n) and 332 of the Communications Act

GN Docket No. 93-252

**Implementation of Section 309(j) of the
Communications Act - Competitive
Bidding, 220-222 MHz**

PP Docket No. 93-253

To: The Commission

**REPLY COMMENTS
OF THE
PERSONAL COMMUNICATIONS INDUSTRY ASSOCIATION**

The Personal Communications Industry Association ("PCIA"), pursuant to Section 1.415 of the Commission's Rules, 47 C.F.R. §1.415, respectfully submits its Reply Comments in response to the Comments filed regarding the Commission's Fourth Notice of Proposed Rule Making ("Fourth NPRM") in the above-captioned proceeding. ^

In its initial Comments, PCIA generally supported the concept of the Fourth NPRM. The proposal is designed to provide a means by which initial "Phase I" 220-222 MHz licensees, unable to gain access to their proposed transmitter sites, can modify their licensees and construct their systems prior to the licensing of "Phase II" systems.

PCIA agreed that the utilization of system contours is a valid means by which to permit initial licensees to modify their systems for initial construction. This is consistent with the Commission's policy for the 800 MHz SMR Pool "freeze" as well as 47 C.F.R. §90.621. However, PCIA disagreed with the use of **service** contours as the standard. PCIA stated that the use of service area contours is unrealistically restrictive, without a rational basis. PCIA suggested that the use of the 28 dBμ V/m **interference** contour is a more appropriate standard for this proceeding.

In addition, PCIA stated that if the Commission utilizes an interference contour for its standard, PCIA would not oppose a requirement that the licensee continue to serve at least 50% of the original **service** contour. However, utilizing the **service** contour for the modification standard will almost preclude any modifications whatsoever, since most licensees would need to reduce their ERP so significantly that the service coverage could not serve 50% of the original service area.

In its Comments, the American Mobile Telecommunications Association ("AMTA") proposed that licensees be permitted to relocate their facilities a maximum of one-half the distance over 120 km toward any co-channel licensee to a maximum of 35 km. AMTA recommended that the Commission open a single filing window for such modifications prior to any auctions of Phase II licenses. Any licensees whose modification applications are granted should be given four months from the license modification date to complete construction under the AMTA proposal.

PCIA has reviewed AMTA's proposal and believes that the concept has much merit. Processing one-time modifications as suggested by AMTA will provide the relief needed for incumbent licensees. Further, the methodology suggested by AMTA would not require an extensive technical study, resulting in easier applications for incumbents to prepare, and faster processing time on the part of the Commission.

PCIA is concerned, however, with the 35 km (or 21.75 miles) maximum proposed by AMTA. A modification of 35 km appears to result in the provision of service by the licensee of an entirely different area. While licensees should be able to modify their licenses to reflect the difficulties in establishing transmitter sites at the applied for locations, modifications to serve different service areas are more properly part of the Phase II licensing proceeding. Therefore, PCIA would suggest that the Commission adopt AMTA's one-time modification proposal, while limiting the maximum modification to 25 km.

For the foregoing reasons, PCIA urges the Commission to modify its proposed rules to permit initial 220-222 MHz licensees to modify their systems consistent with the views expressed herein.

Respectfully submitted,

**PERSONAL COMMUNICATIONS
INDUSTRY ASSOCIATION**

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